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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1386 of 2015**

- Kamal Singh Sahu S/O Shri Baldou Ram Sahu Aged About 55 years Working As Commercial Tax Inspector, Circle-7, Raipur District Raipur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Commercial Tax Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. The Commissioner, Commercial Tax Department, Commercial Tax Building, Civil Line, Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Goutam Khetrapal, Advocate
For Respondent/State	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****22/04/2015**

Heard learned counsel for the parties.

1. The petitioner, presently working as Commercial Tax Inspector in the department of Commercial Tax, Government of Chhattisgarh, has preferred this writ petition for a direction to decide his representation for fixation of pay and seniority at par with the identically placed Commercial Tax Inspectors namely; Aslam Khan and Aftab Ahmad.
2. Learned counsel for the petitioner would submit that the petitioner had earlier preferred a writ petition bearing WP (S) No.3914/08, seeking

promotion to the post of Commercial Tax Inspector, for which limited competitive examination was held in the year 2003. This Court disposed of the writ petition vide order dated 28-6-2012 and thereafter the Commissioner, Commercial Tax, allowed his representation vide order dated 7-1-2013 directing that the petitioner is treated as selected on the post of Commercial Tax Inspector in the limited examination held in the year 2003.

3. Since in the said examination Aslam Khan and Aftab Ahmad were also selected as Commercial Tax Inspectors, the petitioner feels that he is entitled for seniority and pay-fixation on the post of Commercial Tax Inspector, on and from the date when the above stated two persons have been granted benefit. On his representation, the petitioner has been granted seniority from the year 2007 and the gradation list has been duly corrected to the satisfaction of the petitioner, however, his pay has not been fixed in accordance with the said correction in the gradation list and according him the status of Commercial Tax Inspector from the date when the above stated two persons have been granted benefit.
4. Petitioner has preferred representation claiming fixation of pay, therefore, in view of what is stated above, the writ petition is disposed of with a direction that in the event, the petitioner prefers fresh representation before the competent authority within a period of one month from today, the said authority shall consider and decide petitioner's representation for fixation of pay-scale, at the earliest, preferably within a period of four months from the date of representation.
5. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its

own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case

JUDGE

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